information for the review through a national consultation process with all relevant stakeholders, including NHRIs. These same institutions can also provide input to the UPR for inclusion in the summary of stakeholders' information to be prepared by OHCHR and taken into consideration by the Council. Finally, accredited national institutions will be able to take the floor in the deliberations of the Council on the matter under review.

In sum, NHRIs are key links between the national and international dimension of human rights. Thus, they should seize every opportunity of interaction and involvement at the international level in order to help promote change at the domestic level. I hope, in particular, to see appropriate national human rights institutions play a leadership role in the implementation of the newly adopted Convention on the Rights of Persons with Disabilities. The Convention, which I urge Canada to ratify at the earliest opportunity, requires that States Parties maintain, strengthen, designate or establish a framework, including one or more independent national mechanisms to promote, protect and monitor implementation of the Convention. Moreover, the Convention calls on States Parties to take into account the Paris Principles when designating or establishing such mechanisms. This represents the ideal combination of internationally articulated norms with effective national implementation mechanisms.

Distinguished Participants,

In concluding, let me congratulate Jennifer Lynch both for her election as Chair of the ICC and for being chosen as the new Chief Commissioner of the Canadian Human Rights Commission.

I would also like to point out that next year we will celebrate the 60th anniversary of the Universal Declaration of Human Rights. The pursuit of the Declaration ideals required and will continue to demand that resources, initiatives, and good will are pooled within and across national borders. Above all, I see before us the opportunity to reinforce the truly universal character of the rights and freedoms embodied in the Declaration. As we confront, locally and globally, the perennial search for the proper balance between our desire to be safe and our need to be free, there is simply no better place than the Universal Declaration of Human Rights on which to anchor our quest. It is in the pursuit of our individual entitlements that we can advance the equal entitlements of others. When we deny to any one, here or abroad, what we claim for ourselves, we reject the very notion of universal rights. But as we work together, here and abroad, to construct an effective network of protection of all human rights for all, then we will leave to the next generation a legacy as enduring as that bestowed upon us sixty years ago.

Thank you very much for including me in today's event and in your celebrations.

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Opening Remarks and Introduction of Mme Louise Arbour by Chief Commissioner Jennifer Lynch, Q.C.

Chief Commissioner Jennifer Lynch, Q.C.
Canadian Human Rights Commission

Château Laurier – Ballroom
Monday, October 22, 2007

Madame Arbour,
Madame Chief Justice McLaughlin of the Supreme Court of Canada,
Senator Kinsella, Speaker of the Senate,
Minister Nicholson, Minister of Justice,
Other Supreme Court of Canada Justices,
Chief Justice Richard of the Federal Court of Appeal,
Chief Justice Lutfy of the Federal Court,
Other senators,
Members of the House of Commons.

To all our distinguished guests, and to everyone here: Thank you all for making human rights a priority.

This is our 3rd Prevention forum, and it's a great opportunity for us to work together – to identify emerging issues, share our knowledge and experience, and develop tools to prevent discrimination.

In fact, this kind of collaborative dialogue is key to the Commission's new phase of outreach and relationship building. And we're already seeing tremendous benefits flow from this approach.

With us today are members of our new Employer Advisory Council. They represent a diverse group, and the memoranda of understanding we've signed are allowing us to build capacity and explore ways to more effectively integrate the promotion and protection of human rights into daily practice.

That's a key goal of the Commission and of this Forum: to support all of you in realizing greater sensitivity to human

rights within your own workplaces, so that you can anticipate differing needs, and respond to small misunderstandings *before* they develop into discrimination complaints.

We have chosen this year's event to mark and celebrate a significant milestone: the 30th anniversary of the *Canadian Human Rights Act*.

Our founding legislation inspires a vision for Canada in which "all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have", free from discrimination.

In practical terms, we act on that vision by providing leadership. In partnership with a multitude of stakeholders, we work towards fostering understanding and commitment to achieving a society where human rights are respected in everyday practice.

Today's Commission is modern, professional and proactive, and we're breaking new ground in the area of human rights protection:

- Our discrimination prevention program is engaging federal employers, unions, and service providers in looking at ways to prevent discrimination before it occurs.
- Our policy experts are developing guidelines to help avoid discrimination.
- Our dispute resolution specialists are helping to settle claims early.
- Our lawyers are pursuing cases that advance the public interest.
- And our researchers are adding valuable new knowledge to a range of issues, including disability, gender, sexual orientation, religious and cultural equality.

Human rights are one of Canada's major priorities, and many of you here today have helped to build our reputation for international leadership.

For the past three years, Louise Arbour has reinforced and enhanced that reputation as the United Nations High Commissioner for Human Rights.

And her commitment to human rights has been a driving force in her career for much, much longer, evident in a series of successively more demanding positions. She has served as the Associate Dean of Osgoode Hall Law School; the Commissioner investigating events at the Kingston Prison for Women; a justice of the Supreme Court of Ontario; a justice of the Supreme Court of Canada; and the Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Occupying any one of these offices would be an impressive career highlight. The fact that she both attained these positions and excelled in them all, is a testament to her extraordinary abilities.

A year ago I had the great privilege of hearing Madame Arbour speak at a dinner hosted by the University of Ottawa where she was recognized with the Distinguished Canadian Leadership award. This is just one among scores of medals, honours and awards she has received from an enormously diverse array of legal, religious, and academic organizations from all over the world.

We are extremely fortunate to have her with us today. Ladies and gentlemen: Madame Louise Arbour.

Keynote Address by Mme Louise Arbour, United Nations High Commissioner for Human Rights

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29/10/2007

Keynote Address by Mme Louise Arbour, United Nations High Commissioner for Human Rights and former Justice of the Supreme Court of Canada

National Human Rights Institutions as Catalysts for Change

Statement by Ms. Louise Arbour
United Nations High Commissioner for Human Rights

Château Laurier – Ballroom
Monday, October 22, 2007

Opening Remarks and Introduction of Mme Louise Arbour by Chief Commissioner Jennifer Lynch, Q.C.

Ladies and Gentlemen,

It is with great pleasure that I join you today, as the Canadian Human Rights Commission celebrates its 30th anniversary this year.

Later this afternoon, some of you will be attending the Diversity 2007 conference. I would like to commend both the Canadian Human Rights Commission's Discrimination Prevention Forum and the Canada Public Service Agency's Duty to Accommodate for this new cooperative initiative. Promoting diversity as an asset, as these organizations do, to enrich our workplaces and o: " communities is a goal we should all share.

It is very fitting that diversity is such a dominant theme of your deliberations, because it is a keynote of discussions on the protection of human rights in Canada and around the world. The promotion and protection of equality and non-discrimination form the cornerstone of the major international principles rooted in the Universal Declaration of Human Rights, which celebrates "the dignity and worth of the human person and the equal rights of men and women to promote social progress and better standards of life in larger freedom."

The pursuit of equality ideals is presently facing two major hurdles. An understanding of the notion of substantive equality, which rejects the element of formalism that masked existing iniquities, brought about new challenges. These globalization-related challenges are bolstered by migratory shifting, the rise of religious fundamentalism, and a certain

cultural relativism that views human rights as a Western project that serves political interests above all. In such a context, diversity is easily exploited to reject a model for a pluralist, tolerant, and inclusive society, in favour of cultural monolithism that affirms its difference by positioning itself beyond the scope of the international human rights framework. This project, a far cry from the goal of reconciling equality and diversity, affirms how these fundamental rights are incompatible with religious, moral, cultural, historical, or other values that most often affect both equality and diversity. I had an opportunity to address this issue during the interdepartmental meeting of the non-aligned countries held in Tehran in early September. Among other points, I discussed the danger of using the right to cultural diversity to circumvent international standards in the protection of human rights, particularly women's and minorities' right to equality and non-discrimination.

Diversity-driven tensions are better managed, in my view, through the legal framework for international human rights than through power-brokering. The advantage of a legal framework is that it becomes the impartial guarantor of universality and diversity. The principles on which it relies have been negotiated and accepted in an international environment that both reflects and transcends the multiplicity of cultures, religions and traditions represented by all of the United Nations Member States. All of the States have ratified at least one, and 80% of the States have ratified four or more of the seven standard international treaties on human rights. A number of related standards are now part of customary law and are binding on all of the States, without exception. In this clearly defined legal environment, no culture or school of thought can be substituted for the fundamental principles that prohibit, for example, torture, racial discrimination, and discrimination toward women. The international standards, therefore, guarantee the universality of rights, and through cohesion and reciprocity they ensure common values that unify the international community.

Distinguished Participants,

In many ways, the Canadian Human Rights Commission in particular, and national human rights institutions in general, embody the strategic goals of the United Nations in ensuring the application of international human rights norms at the national level. Human rights protection can only be achieved by national actors operating under the international normative framework, and in cooperation with the international human rights protection machinery. In that broad context, national human rights institutions represent central elements of strong national human rights protection systems and they have undergone, worldwide, ground-breaking changes over the past two decades.

The potential centrality of NHRIs had been highlighted in Paris in 1991 with the first International Workshop on National Institutions for the Promotion and Protection of Human Rights. The conclusions of this meeting were presented to the General Assembly and endorsed and adopted as resolution 48/134 on 20 December 1993, and became known as "the Paris Principles".

As you know, these principles have become the internationally recognized benchmarks against which to assess the structure, mandate and performance of a NHRI. They are universal in their application. Their key requirements include: a guarantee for NHRI independence by a statute or the Constitution; (2) autonomy from the Government; (3) pluralistic representation; (4) a broad mandate covering both human rights promotion and protection; (5) adequate resources; and (6) adequate powers of investigation.

The Paris Principles are used by the United Nations as the leading tool in their capacity building activities for national human rights institutions, and also serve as the guiding principles for the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), the global coordinating body of national human rights institutions, in its review of individual NHRIs.

The ICC meets annually to discuss a wide range of issues of interest, such as the interaction between NHRIs and human rights treaty monitoring bodies, as well as the Human Rights Council, or to tackle thematic issues of crucial concern, including disabilities, migration, and the prevention of torture.

A major function of the ICC is the accreditation of NHRIs, through which it reviews the compliance of NHRIs with the Paris Principles. The ICC will accord "A status" accreditation to a NHRI, if it assesses that it is in full compliance with the Paris Principles. The number of NHRIs with "A status" accreditation has grown from 15 in 1999, 45 in 2003 to 59 today.

The promotion - and particularly the protection - of human rights can only be assured by the interaction of an entire framework of national institutions working in a political environment that is committed to the values and principles embodied in human rights instruments. While the role of NHRIs has considerably expanded over the past years, their effectiveness is interlinked with the presence or absence, in any given country, of an independent judiciary, a properly functioning administration of justice, a representative parliament not totally subservient to the executive, and a network of strong and dynamic civil society organizations.

The mandates of national human rights institutions vary greatly from country to country. While some operate in partnership with other specialized bodies and organs and therefore focus primarily on issues related to equality and due process, many other NHRIs are also entrusted with the virtually exclusive oversight of human rights violations arising from arbitrary arrest and detention, the use of torture and all forms of abuse by law enforcement and security forces, human trafficking and the protection of migrant workers. This work is performed in addition to activities devoted to combating the more common variety but deeply invidious forms of abuse, such as gender and racial discrimination that no country has yet fully eradicated.

In that context, any erosion, real or perceived, of the independence of the national human rights institution can have catastrophic consequences on the life and safety of rights holders for whom there is no other possible available source of protection. I have just returned from Sri Lanka where disappearances, abductions and killings, including of children, remain uninvestigated, and obviously unpunished, to the point that people in Jaffna voluntarily surrender to the Human Rights Commission for their own protection, trusting no one else. These "surrendees," as they are called, are then kept in common prisons, since there is no other venue to ensure their safety. In the meantime, public trust in the commission and in its effectiveness is being compromised by a widespread perception that the appointment of the current commissioners, not in conformity with the constitutional requirements, has affected their independence. Indeed, the "A status" awarded by the ICC to the Sri Lankan Human Rights Commission will be reviewed shortly in light of the present circumstances.

In the same way, there are forces at play in Afghanistan intent on curtailing the independence of the Afghan National Human Rights Commission. This is occurring in an environment where human rights protection is hardly a luxury, and where, under the leadership of Dr Sima Samar, the commission established a record of integrity, courage and effectiveness, particularly in advocating for an end to the long-standing impunity that warlords and others have unjustly enjoyed and continue to secure for themselves.

In these cases, as in many others, particularly in societies at war or emerging from conflict, which are profoundly polarized and where vulnerable groups are exposed to great risks, the question of the independence, effectiveness, and public confidence in human rights institutions is literally of vital importance.

Of central relevance is also the role that NHRIs play or can perform everywhere specifically in torture prevention. National human rights institutions are expected to become even more active with the entry into force of the Optional Protocol to the Convention against Torture. There is great expectation that they will take on a formal role as national preventive mechanisms in this context, and work closely with the Subcommittee of the OPCAT in achieving the objective of the Protocol, that is the prevention of torture, through a system of regular visits to places of detention where people are deprived of their liberty. A survey of current practices on torture prevention by some 35 NHRIs has already been undertaken by OHCHR and made available to the members of the Subcommittee.

Ladies and Gentlemen

Credible national institutions are also playing an increasingly important role at the regional and international levels. In Asia and Africa, for example, regional networking is an empowering and progressive feature of their work. The impact of national human rights institutions in Geneva represents a growing and positive aspect of the work of the new Human Rights Council. NHRIs holding "A status" ICC accreditation participate in the proceedings of the Council. Their input is likely to increase with the coming into effect of the Universal Periodic Review process. This feature of the Council, which represent the most distinguishing and innovative procedure of this new body vis-à-vis its predecessor's methods of work, is a process through which the human rights record of all UN member states will be examined at regular intervals. Some 48 states will be publicly examined every year under the UPR, and national human rights institutions will have a role to play at every stage of the process. In the preparation of their own reports, States are encouraged to gather the